

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**Thomas Adams,**

*Plaintiff,*

**v.**

**Case No. 3:15-cv-127  
Judge Thomas M. Rose**

**Montgomery County Childrens Services,**

*Defendant.*

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**DECISION AND ENTRY ADOPTING REPORT AND  
RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE  
MERZ (DOC. 3), OVERRULING PETITIONER'S OBJECTIONS TO THE  
MAGISTRATE'S REPORT AND RECOMMENDATIONS, (DOC. 4),  
DISMISSING COMPLAINT, (DOC. 2), AND TERMINATING CASE.**

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Pending before the Court are Plaintiff Thomas Adam's Objections to the Magistrate's Report and Recommendations. (Doc. 4). The Report and Recommendations of United States Magistrate Judge Michael R. Merz, (Doc. 3), recommends that the Court dismiss the Complaint (Doc. 2) with prejudice and certify that any appeal that could be taken would not be in good faith.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that Plaintiff's objections, (Docs. 4), to the Magistrate Judge's Report and Recommendations, (Doc. 3), are not well taken and they are hereby **OVERRULED**. Wherefore, the Court **DISMISSES** the Petition (Doc. 1) **WITH PREJUDICE**. Because reasonable jurists would not disagree with the Magistrate Judge's recommendation, Petitioner is denied a certificate of appealability and the

Court certifies to the Sixth Circuit that any appeal would be objectively frivolous and therefore Plaintiff should not be permitted to proceed *in forma pauperis*. The Clerk is **ORDERED** to terminate the instant case.

**DONE** and **ORDERED** this Tuesday, January 19, 2016.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE